

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JACQUE WHAUMBUSH, et al.,	:	
	:	CIVIL ACTION
Plaintiffs,	:	
	:	
v.	:	
	:	
THE CITY OF PHILADELPHIA, et al.,	:	NO. 09-6066
	:	
	:	
Defendants.	:	

ORDER

AND NOW, this *14th* day of *October*, 2010, upon consideration of Defendants the City of Philadelphia, John Green, Leon King, II, and Louis Giorla's Motion to Dismiss Plaintiffs' First Amended Complaint (Docket No. 12) and the Response of Plaintiffs Jacque Whaumbush and Detention Management Services (Docket No. 14), it is hereby **ORDERED** as follows:

1. Defendants' Motion to Dismiss (Docket No. 12) is **GRANTED IN PART** and **DENIED IN PART** as follows:
 - a. Defendants' Motion to Dismiss the Breach of Contract claim (Count I) is **GRANTED**;
 - b. Defendants' Motion to Dismiss the Tortious Interference claim (Count II) is **GRANTED** as to Defendants the City of Philadelphia, Giorla, and Defendants Green and King in their official capacities, but **DENIED** as to Defendants Green and King in their individual capacities;
 - c. Defendants' Motion to Dismiss the 42 U.S.C. § 1983 claim (Count III) is **GRANTED** as to all claims against Defendants the City of Philadelphia, Giorla, and Defendants Green and King in their official capacities, and as to all Defendants to the extent the claim alleges deprivations of Fourth Amendment, Fifth Amendment, and Fourteenth Amendment procedural due process rights, but **DENIED** as to Defendants Green and King in their individual capacities to the extent the claim alleges deprivations of First Amendment and Fourteenth Amendment substantive due process rights;

- d. Defendants' Motion to Dismiss the 42 U.S.C. § 1981 claim (Count IV) is **GRANTED** only as to Defendants the City of Philadelphia, Giorla, and Defendants Green and King in their official capacities, but **DENIED** as to Defendants Green and King in their individual capacities;
- e. Defendants' Motion to Dismiss the 42 U.S.C. § 1985 claim (Count V) is **GRANTED** only as to Defendants the City of Philadelphia, Giorla, and Defendants Green and King in their official capacities, but **DENIED** as to Defendants Green and King in their individual capacities.

It is so **ORDERED**.

BY THE COURT:

s/ *Ronald L. Buckwalter*
RONALD L. BUCKWALTER, S.J.